

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

D'ARRIGO BROS. CO. OF NEW YORK, INC.,

Plaintiff,

- against -

65 BURNSIDE MEAT MARKET CORP., SAGAL  
MEAT MARKET INC., 134th MEAT MARKET, INC.,  
G & H SUPERMARKET CORP., D D & S MEAT,  
FISH & PRODUCE INC., LENIN SANCHEZ, SR.  
and FERNANDO SANCHEZ,

Defendants.

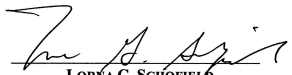
Case No. 24-cv-138

**MOTION FOR  
PRELIMINARY INJUNCTION**

The parties are directed to discuss the possibility of stipulating to the requested or alternative interim relief to avoid the need for a court order. By **January 11, 2024, at 5:00 P.M.**, the parties shall submit a joint letter reporting on those discussions and proposing a briefing schedule if necessary. So Ordered.

Dated: January 10, 2024

New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Upon the sworn declaration of Karina Roman, Accounts Receivable Manager of plaintiff D'Arrigo Bros. Co. of New York, Inc. ("Plaintiff"), the exhibits annexed thereto, the memorandum of law in support, and upon all other papers and proceedings heretofore had herein, Plaintiff, by and through undersigned counsel, hereby moves this Court to issue a preliminary injunction under Rule 65(b) of the Federal Rules of Civil Procedure enforcing the statutory trust established pursuant Section 5(c) of the Perishable Agriculture Commodities Act, 7 U.S.C. § 499e(c) ("PACA"), by restraining the transfer of any and all trust assets in the possession of defendants 65 Burnside Meat Market Corp. ("Burnside"), Sagal Meat Market Inc. ("Sagal"), 134th Meat Market, Inc. ("134th"), G & H Supermarket Corp. ("G&H"), D D & S Meat, Fish & Produce Inc. ("DD&S") (Burnside, Sagal, 134th, G&H and DD&S collectively, the "Corporate Defendants"), except for payment to Plaintiff, until there is full payment to Plaintiff of the principal amount of \$87,490.50, plus accrued interest and attorneys' fees, pending the final outcome of this action. Plaintiff further moves the Court to require the Corporate Defendants to supply to Plaintiff's counsel documentation regarding the assets of the Corporate Defendants and authorizing Plaintiff's

counsel to collect the Corporate Defendants' outstanding accounts receivable, to be held in trust pending further order of this Court.

**WHEREFORE**, for the reasons set forth in the accompanying memorandum, Plaintiff respectfully requests that this Court grant its motion for preliminary injunction; enjoin the Corporate Defendants from violating the trust provisions of PACA; require the Corporate Defendants to set aside the sum of \$87,490.50 in trust pending further order of this Court; require the Corporate Defendants to supply to Plaintiff's counsel documentation regarding its assets and those of its related and subsidiary companies; and authorize Plaintiff's counsel to collect the Corporate Defendants' outstanding accounts receivable to be held in trust pending further order of this Court.

Dated: January 8, 2024

Respectfully submitted,

McCARRON & DIESS  
Attorneys for Plaintiff

By: /s/ Gregory Brown

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